In the Matter of 2477 Grand Avenue Corp. Case AO–293

May 8, 1992

ADVISORY OPINION

BY CHAIRMAN STEPHENS AND MEMBERS OVIATT AND RAUDABAUGH

Pursuant to Sections 102.98(a) and 102.99 of the Board's Rules and Regulations, on April 3, 1992, 2477 Grand Avenue Corp. (the Employer), filed a petition for an Advisory Opinion as to whether the Board would assert jurisdiction over its operations. In pertinent part, the petition alleges as follows:

1. There is currently pending before the New York State Labor Relations Board (the State Board) an unfair labor practice charge, Case SU–58093, filed by Local 32E, Service Employees International Union, AFL–CIO (the Union).

2. The general nature of the Employer's business is real estate. The Employer manages and controls the residential premises located at 2477 Grand Avenue, Bronx, New York, which generates in excess of $400,000 per year in income. Additionally, the Petitioner manages and controls a number of residential premises located in Bronx, New York, including 3280 Rochambau Avenue and 3315 Hull Avenue, Bronx, New York, which generates in excess of $850,000. The combined income exceeds $1,200,000 per year. The Employer's out-of-state oil purchases exceed $30,000 per year.

3. The Employer is unaware whether the Union admits or denies the above commerce data, and the State Board has made no findings with respect thereto.

4. There is no representation or unfair labor practice proceeding involving this labor dispute pending before the Board.

Although all parties were served with a copy of the petition for Advisory Opinion, none filed a response as permitted by Section 102.101 of the Board's Rules and Regulations.

Having duly considered the matter,[1] we are of the opinion that the Board would assert jurisdiction over the Employer. The Board has established a $500,000 discretionary standard for asserting jurisdiction over residential buildings.[2] As the Employer alleges that the total annual income from the residential premises it manages and controls exceeds $1,200,000, assuming the Employer is a single employer with respect to those premises, it is clear that the Employer satisfies the Board's discretionary standard.[3] As the Employer further alleges that its annual out-of-state oil purchases exceed $30,000, the Employer also clearly satisfies the Board's statutory standard for asserting jurisdiction.

Accordingly, the parties are advised that, based on the foregoing allegations and assumptions, the Board would assert jurisdiction over the Employer.

[1] The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

[2] *Parkview Gardens*, 166 NLRB 697 (1967) (residential apartments), and *Imperial House Condominium*, 279 NLRB 1225 (1986), affd. 831 F.2d 999 (11th Cir. 1987) (condominiums and cooperatives). We assume in this regard that the ''residential premises'' referred to in the petition are one of these types of residential buildings.

[3] The Board has traditionally aggregated the gross revenues derived from all residential buildings managed by an employer in determining whether the employer satisfies the Board's discretionary standard. See, e.g., *Mandel Management Co.*, 229 NLRB 1121 (1977).